

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-6118**

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BRIAN DAMON FARABEE,

Petitioner - Appellant,

versus

GENE M. JOHNSON, Director of the Virginia Department of Corrections; JAMES S. RIENHARD, Commissioner of the Department of Mental Health, Mental Retardation & Substance Abuse Services; DENNIS L. GAULDEN, Community Release Manager, Virginia Department of Corrections; CAROLYN DE'K FOLLIARD, Chief, Probation and Parole, District #7,

Respondents - Appellees.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Henry Coke Morgan, Jr., District Judge. (CA-03-797)

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Submitted: June 18, 2004

Decided: July 8, 2004

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Before TRAXLER, GREGORY, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Brian Damon Farabee, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Brian Damon Farabee, a state prisoner, seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C. § 2241 (2000). The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Farabee has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED